

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-59016

ANTOINETTE MAXWELL,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING, AS UNNECESSARY, DEBTOR'S MOTION TO  
EXTEND THE AUTOMATIC STAY**

This case is before the Court on "Debtor's Motion To Extend Stay Beyond 30 Days Pursuant to 11 U.S.C. § 362[(c)](3)(B)," filed on June 23, 2009 (Docket # 14). The Court must deny the motion because it is unnecessary. 11 U.S.C. § 362(c)(3) does not apply in this case, and thus the automatic stay will not terminate under that section.

Section 362(c)(3)(A) provides:

(3) if a single or joint case is filed by or against debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b) —

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

11 U.S.C. § 362(c)(3)(A). This provision does not apply to this case because Debtor did not have any case pending within the 1-year period before filing this case that was "dismissed."

Debtor filed a voluntary petition for relief under Chapter 13 on June 17, 2009, initiating this case. Debtor had a previous case that pending within 1 year of filing this case. Debtor previously filed a voluntary petition for relief under Chapter 7 on October 28, 2008, initiating Case No. 08-66309. That case was not dismissed. Rather, on February 12, 2009, that case was

merely closed without a discharge due to Debtor's failure to file a Financial Management Course Certificate.

For these reasons, Debtor's motion is not necessary. The stay will not terminate under § 362(c)(3)(A), so there is no reason for a motion to extend the stay.

Accordingly,

IT IS ORDERED that "Debtor's Motion To Extend Stay Beyond 30 Days Pursuant to 11 U.S.C. § 362[(c)](3)(B)" (Docket # 14), is DENIED as unnecessary.

**Signed on July 16, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**